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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
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AGENDA

Board of Directors Meeting

July 7, 2010

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Vice-President

Bea Cortes, Council Member
City of Grand Terrace

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Ed Graham, Vice Mayor
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Vacant
City of Fontana

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Paul Eaton, Mayor
City of Montclair

Jeff Williams, Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Mayor Pro Tem
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

July 7, 2010

9:30 a.m.

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m. by Brad Mitzelfelt

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements:
 - Calendar of Events (Pg. 13)
- IV. Agenda Notices/Modifications – Vicki Watson

**1. Possible Conflict of Interest Issues for the Board Meeting of Pg. 14
July 7, 2010**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Notes/Actions:

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 24.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 17
3. **May 2010 Procurement Report** Pg. 21
Receive Monthly Procurement Report. **William Stawarski**
This item was reviewed and received by the Administrative Committee on June 9, 2010.
4. **County of San Bernardino Standard Contract to Provide Accounts Payable/General and Fund Accounting, Payroll and EMACS Services** Pg. 23
Approve Contract C10257 with the County of San Bernardino, not to exceed \$250,000, to provide payroll services and other requested accounting services through June 30, 2011. The services provided to SANBAG are to be billed through the County-Wide Cost Allocation Plan (COWCAP). **William Stawarski**
This item was reviewed by the Administrative Committee on June 9, 2010 and unanimously recommended for approval; and also approved as to form by SANBAG Counsel.
5. **Local Stimulus Program Update** Pg. 30
Receive Report on the Identified Projects. **Duane Baker**
This item was presented to the Mountain/Desert Committee on May 21, 2010 and the Major Projects Committee on June 10, 2010.

Consent Calendar Continued....

Regional & Quality of Life Programs

6. **Execution of the Southern California Association of Governments (SCAG) Agreement related to the Implementation of the SANBAG Natural Gas (NG) Truck Project (Project)** Pg. 40

1. Approve Agreement No. C10-121, with the Southern California Association of Governments (SCAG) acting as the Clean Cities' Coalition, for \$130,000, for marketing and outreach for the Project, for the period of July 1, 2010, to December 22, 2013, as outlined below in the Financial Impact Section;

2. Authorize the Executive Director to approve administrative changes to the above contract's Scope of Work, Work Program and/or budget, as needed, that are minor in nature and do not change the Project's scope or funding. **Michelle Kirkhoff**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on June 16, 2010. The contract has been reviewed by Legal Counsel as to form.

7. **Agreement for Digital Cellular Services for the San Bernardino Call Box Program** Pg. 44

Approve Amendment No. 1 to Agreement No. 05-002, between the San Bernardino Service Authority for Freeway Emergencies (SAFE) and AT&T Mobility (AT&T), to extend the contract through June 30, 2011, as outlined in the Financial Impact Section below. **Kelly Lynn**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on June 16, 2010. The contract has been reviewed by SAFE Legal Counsel as to form.

Subregional Transportation Planning & Programming

8. **Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP): Background Information and Recent Developments** Pg. 49

Receive information on the RTP and RTIP processes and issues. **Ty Schuiling**

This item was reviewed by the Plans and Programs Policy Committee on June 16, 2010.

Consent Calendar Continued....

Subregional Transportation Planning & Programming (Cont.)

9. Development Mitigation Nexus Study Minor Update Pg. 59

Approve Minor Update to the 2009 Development Mitigation Nexus Study. Ty Schuiling

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on June 16, 2010.

Project Development

10. State Route 210 (SR-210) Segment 8 Landscaping Pg. 64

Approve Landscape Construction Cooperative Agreement No. C10158 with Caltrans for State Route 210 Segment 8 Landscaping. Garry Cohoe

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved this agreement as to form.

11. Amendment No. 1 to Contract C08200 with Vandermost Consulting Services, Inc. for On-Call Environmental Services Pg. 82

Approve Amendment No. 1 to Contract C08200 with Vandermost Consulting Services, Inc. for On-Call Environmental Services increasing the contract authority by \$800,000.00 for a new not-to-exceed value of \$2,100,000. Garry Cohoe

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.

12. Proposed Grade Separation at Laurel Street and Burlington Northern Santa Fe (BNSF) rail tracks in the City of Colton Pg. 88

Authorize Staff to release a Request for Proposals (RFP) No. 11001 for environmental and engineering professional services for a proposed Grade Separation at Laurel Street and the BNSF rail tracks in the City of Colton. Garry Cohoe

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.

Consent Calendar Continued....

Project Development (Cont.)

13. Interstate 10 (I-10)/Cherry Avenue and Interstate 10/Citrus Avenue Interchange Projects Pg. 97

1. Approve Amendment No. 1 to Contract C08050 with T.Y. Lin International for Design Engineering Services for Cherry and Citrus Avenue Interchanges on I-10 increasing the original contract amount of \$9,000,000 by \$1,709,088 for a new contract value of \$10,709,088.

2. Approve Amendment No. 1 to Design Cooperative Agreement C08055 with the City of Fontana and the County of San Bernardino for the I-10/Cherry Avenue Interchange increasing the original contract amount of \$5,065,263 by \$770,248 for a new contract value of \$5,835,111, with SANBAG's contribution increasing by \$277,289 for a total contribution of \$2,100,784.

3. Approve Amendment No. 1 to Design Cooperative Agreement C08053 with the City of Fontana and the County of San Bernardino for the I-10/Citrus Avenue Interchange increasing the original contract amount of \$3,934,737 by \$938,840 for a new contract value of \$4,873,577, with no additional SANBAG contribution. **Garry Cohoe**

This item was reviewed and recommended for approval (12-0-1; Abstained: Supervisory Derry) by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved the agreements as to form.

14. Proposed new State Route 210 (SR-210)/Pepper Avenue Interchange in the City of Rialto Pg. 171

Authorize Staff to release a Request for Proposals (RFP) No. 11002 for environmental and engineering professional services for a proposed new interchange at SR-210 and Pepper Avenue in the City of Rialto. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.

Consent Calendar Continued....

Project Development (Cont.)

15. North Milliken Grade Separation Project in the City of Ontario Pg. 180

1. Approve the North Milliken Grade Separation project Plans, Specifications, and Estimates (PS&E) package; and
2. Authorize the Director of Freeway Construction to advertise for Construction Bids for the North Milliken Grade Separation project: and
3. Allow award of the construction contract for the North Milliken Grade Separation project to proceed directly to the Board of Directors without Major Projects Committee review **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010.

Transportation Programs & Fund Administration

16. Allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011 Pg. 182

Adopt Resolution 11-001 authorizing the allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011. **Ryan Graham**

This item was reviewed by the Administrative Committee on June 9, 2010 and unanimously recommended for approval.

17. Measure I 2010-2040 Reserve Policy Pg. 186

Approve Amendment to the Strategic Plan establishing policies for a Measure I reserve in the Valley, Victor Valley and Rural Mountain/Desert subareas, as identified in Attachments 1, 2, and 3. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 9, 2010.

DISCUSSION ITEMS

Regional & Quality of Life Programs

18. Assignment of Freeway Service Patrol (Beat 4) Contract Pg. 203

Approve Amendment No. 1 to Contract No. 10-081 approving the assignment of Beat 4 Freeway Service Patrol (FSP) Contract from Roy & Dot's Truck Specialties, Inc., to DK&J Enterprises, Inc., dba Roy & Dot's Towing. **Kelly Lynn**

Item has not been reviewed by a Policy Committee due to time constraints. Item to be reviewed at Board on July 7, 2010. The Contract amendment has been reviewed by Legal Counsel as to form.

Transportation Fund Administration

19. Pre-Application for Federal TIGER II Grant Pg. 208

Approve submittal of pre-applications for Federal TIGER II Grants. **Deborah Robinson Barmack**

This item has not received prior policy committee review. The item is being presented directly to the Board for discussion due to application deadline considerations.

Transit Commuter Rail

20. Right-of-Way Services Agreement with Omnitrans for the E Street sbX BRT Pg. 209

1. Approve Contract No. C10263 between SANBAG and Omnitrans to perform the right-of-way acquisition for the E Street sbX bus rapid transit (BRT) project.

2. Approve budget amendment to increase the FY 2010/2011 budget for Task No. 315111 Omnitrans in the amount of \$9.9 million, as identified in the Financial Impact Section. **Mitch Alderman**

This item has not had prior policy committee review; however, the information supporting this agenda item was reviewed by the Commuter Rail and Transit Committee on May 21, 2010 and by the Board of Directors on June 2, 2010. The Omnitrans Board of Directors has also reviewed and approved the execution of the agreement by their executive director at its June 2 meeting.

Discussion Items Continued....

Transit Commuter Rail (Cont.)

21. Amendment No. 1 to Contract C10079 with HDR Engineering Inc. Pg. 212

1. Approve Amendment No. 1 to Contract No C10079 with HDR Engineering Inc., in an amount of \$1,021,704, increasing the total contract amount from \$7,390,150 to \$8,411,854 for costs of acquiring the right-of-way for the Omnitrans E Street sbX project, Task No. 31511000. **Mitch Alderman**

This item in general was reviewed by the Commuter Rail and Transit Committee on May 21, 2010 and by the Board of Directors on June 2, 2010.

Project Development

22. Hunts Lane Railroad Grade Separation – Hearing to Consider Resolution of Necessity Pg. 222

1. Acting as the County Transportation Commission, the SANBAG Board will conduct a public hearing to consider condemnation of real property required for the Hunts Lane Grade Separation project in the City of San Bernardino and the City of Colton and,

2. Adopt Resolution of Necessity (Resolution No. 11-002) authorizing condemnation of real property declaring the following: (2/3rd majority vote required for recommendation item 2)

a. The public interest and necessity require the project described in the proposed Resolution of Necessity.

b. The project is planned and/or located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property to be acquired is necessary for the project.

d. An offer required by Section 7267.2 of the Government Code has been made to the owner of record. **Garry Cohoe**

This item was reviewed by the Major Projects Committee on June 10, 2010. This item has been reviewed by SANBAG Legal Counsel.

Discussion Items Continued....

Project Development (Cont.)

- 23. Contract with Kathleen Murphy-Perez for Contract Management Services** Pg. 232

Approve **Sole Source** Contract C11005 with Kathleen Murphy-Perez to provide Contract Management Services for an amount not to exceed \$300,000. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 10, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.

Other Matters

- 24. Consent Calendar Items Pulled for Discussion**

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments from Board of Directors

Public Comment

Brief Comments by the General Public

CLOSED SESSION

Conference with Labor Negotiator (Brad Mitzelfelt)
regarding public employee performance evaluation pursuant to
Government code Section 54957

Unrepresented Employee: Executive Director

Conference with Labor Negotiator (Brad Mitzelfelt)
pursuant to Government Code Section 54957.6

Unrepresented Employee: Executive Director

- 25. Executive Director Contract Amendment**

Pg. 241

Approve Amendment No. 2 to Executive Director Employment Contract No. C08-098 with Deborah Robinson Barnack.
Brad Mitzelfelt

This item was reviewed by the Administrative Committee on June 9, 2010.

ADJOURNMENT

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report Pg. 242

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 245

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 248

Council Member Gwenn Norton-Perry

SCAG Committees Pg. 251

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 252

Acronym List Pg. 255

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.



Important Things To Know...

July 2010

SANBAG Meetings – Cancelled:

None

SANBAG Meetings – Scheduled:

Mountain/Desert Committee	July 9	9 a.m.	Town of Apple Valley
Administrative Committee	July 14	9 a.m.	The Super Chief
Major Projects Committee	July 15	9 a.m.	The Super Chief
Plans and Programs Committee	July 21	12 noon	The Super Chief
Commuter Rail & Transit Committee	July 22	12 noon	The Super Chief

Other Meetings/Events:

Colton Crossing Public Meeting	July 13	6 p.m.	Hutton Center 670 Colton Avenue Colton, CA 92324
Colton Crossing Public Meeting	July 15	6 p.m.	Luque Center 292 E. "O" Street Colton, CA 92324

For additional information, please call SANBAG at (909) 884-8276